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MAINTENANCE OF INTERNATIONAL SECURITY

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

HUMAN RIGHTS QUESTIONS

Letter dated 12 October 1993 from the Permanent Representative of Austria to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith, in English and French, the final documents of the Meeting of Heads of State and Government of the Member States of the Council of Europe, held on 8 and 9 October 1993 at Vienna (see annex).

I would be grateful if you could arrange to have the present letter and its annex circulated as an official document of the General Assembly, under agenda items 80, 107 and 114.

(Signed) Ernst SUCHARIPA
Ambassador
Permanent Representative of Austria
to the United Nations

ANNEX

Final documents of the Meeting of Heads of State and Government of the Member States of the Council of Europe, held at Vienna on 8 and 9 October 1993

VIENNA DECLARATION

We, Heads of State and Government of the member States of the Council of Europe, meeting for the first time in our Organisation's history at this Vienna summit conference, solemnly declare the following:

The end of the division of Europe offers an historic opportunity to consolidate peace and stability on the continent. All our countries are committed to pluralist and parliamentary democracy, the indivisibility and universality of human rights, the rule of law and a common cultural heritage enriched by its diversity. Europe can thus become a vast area of democratic security.

This Europe is a source of immense hope which must in no event be destroyed by territorial ambitions, the resurgence of aggressive nationalism, the perpetuation of spheres of influence, intolerance or totalitarian ideologies.

We condemn all such aberrations. They are plunging peoples of former Yugoslavia into hatred and war and threatening other regions. We call upon the leaders of these peoples to put an end to their conflicts. We invite these peoples to join us in constructing and consolidating the new Europe.

We express our awareness that the protection of national minorities is an essential element of stability and democratic security in our continent.

The Council of Europe is the pre-eminent European political institution capable of welcoming, on an equal footing and in permanent structures, the democracies of Europe freed from communist oppression. For that reason the accession of those countries to the Council of Europe is a central factor in the process of European construction based on our Organisation's values.

Such accession presupposes that the applicant country has brought its institutions and legal system into line with the basic principles of democracy, the rule of law and respect for human rights. The people's representatives must have been chosen by means of free and fair elections based on universal suffrage. Guaranteed freedom of expression and notably of the media, protection of national minorities and observance of the principles of international law must remain, in our view, decisive criteria for assessing any application for membership. An undertaking to sign the European Convention on Human Rights and accept the Convention's supervisory machinery in its entirety within a short period is also fundamental. We are resolved to ensure full compliance with the commitments accepted by all member States within the Council of Europe.

We affirm our will to promote the integration of new member States and to undertake the necessary reforms of the Organisation, taking account of the proposals of the Parliamentary Assembly and of the concerns of local and regional authorities, which are essential to the democratic expression of peoples.

We confirm the policy of openness and co-operation vis-à-vis all the countries of Central and Eastern Europe that opt for democracy. The programmes set up by the Council of Europe to assist the democratic transition should be developed and constantly adapted to the needs of our new partners.

We intend to render the Council of Europe fully capable of thus contributing to democratic security as well as meeting the challenges of society in the 21st century, giving expression in the legal field to the values that define our European identity, and to fostering an improvement in the quality of life.

Attaining these objectives requires fuller co-ordination of the Council of Europe's activities with those of other organisations involved in the construction of a democratic and secure Europe, thus satisfying the need for complementarity and better use of resources.

In this connection, we welcome the co-operation established - in the first instance, on the basis of the 1987 Arrangement - with the European Community, particularly the development of joint projects, notably in favour of the countries of Central and Eastern Europe. We consider that such a partnership in increasingly varied fields of activity reflects the specific and open-ended institutional relationship existing between the two institutions.

Similarly, to foster democratic security we are in favour of intensifying functional co-operation in the human dimension sphere between the Council of Europe and the CSCE. Arrangements could usefully be concluded with the latter, including its Office for Democratic Institutions and Human Rights, and its High Commissioner on National Minorities.

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We are resolved to make full use of the political forum provided by our Committee of Ministers and Parliamentary Assembly to promote, in accordance with the competences and vocation of the Organisation, the strengthening of democratic security in Europe. The political dialogue within our Organisation will make a valuable contribution to the stability of our continent. We will do so all the more effectively if we are able to initiate such a dialogue with all the European States that have expressed a desire to observe the Council's principles.

Convinced that the setting up of appropriate legal structures and the training of administrative personnel are essential conditions for the success of the economic and political transition in Central and Eastern Europe, we attach the greatest importance to the development and coordination of assistance programmes for this purpose in liaison with the European Community.

The creation of a tolerant and prosperous Europe does not depend only on co-operation between States. It also requires transfrontier co-operation between local and regional authorities, without prejudice to the constitution and the territorial integrity of each State. We urge the Organisation to pursue its work in this field and to extend it to co-operation between non-adjacent regions.

We express our conviction that cultural co-operation, in which the Council of Europe is a prime instrument, - through education, the media, cultural action, the protection and enhancement of the cultural heritage and participation of young people - is essential for creating a cohesive yet diverse Europe. Our governments undertake to bear in mind the Council of Europe's priorities and guidelines in their bilateral and multilateral co-operation.

With the aim of contributing to the cohesion of our societies, we stress the importance of commitments accepted within the framework of the Council of Europe Social Charter and European Code of Social Security in order to provide member countries with an adequate system of social protection.

We recognise the value of co-operation conducted within the Council of Europe to protect the natural environment and improve the built environment.

We will continue our efforts to facilitate the social integration of lawfully residing migrants and to improve the management and control of migratory flows, while preserving the freedom to travel within Europe. We therefore encourage the "Vienna Group" to pursue its work, thus contributing, with other competent groups, to a comprehensive approach to migration challenges.

Fortified by our bonds of friendship with non-European States sharing the same values, we wish to develop with them our common efforts to promote peace and democracy.

We also affirm that the deepening of co-operation in order to take account of the new European situation should in no way divert us from our responsibilities regarding North/South interdependence and solidarity.

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In the political context thus outlined, we, Heads of State and Government of the member States of the Council of Europe, resolve:

- to improve the effectiveness of the European Convention on Human Rights by establishing a single Court for ensuring compliance with undertakings given thereunder (see decision in Appendix I),

- to enter into political and legal commitments relating to the protection of national minorities in Europe and to instruct the Committee of Ministers to elaborate appropriate international legal instruments (see decision in Appendix II),

- to pursue a policy for combating racism, xenophobia, anti-semitism and intolerance, and to adopt for this purpose a Declaration and a Plan of Action (see decision in Appendix III),

- to approve the principle of creating a consultative organ genuinely representing both local and regional authorities in Europe,

- to invite the Council of Europe to study the provision of instruments for stimulating the development of European cultural schemes in a partnership, involving public authorities and the community at large,

- to instruct the Committee of Ministers to adapt the Organisation's Statute as necessary for its functioning, having regard to the proposals put forward by the Parliamentary Assembly.

APPENDIX I

Reform of the control mechanism of the European Convention on Human Rights

We, Heads of States and Government of the Council of Europe member States have decided the following, as regards the reform of the European Convention on Human Rights control mechanism:

With the European Convention for the Protection of Human Rights and Fundamental Freedoms which entered into force 40 years ago the Council of Europe created an international system for the protection of human rights which is unique of its kind. Its main distinguishing feature is that contracting States assume the obligation to effectively protect the human rights enshrined in the Convention and to accept international monitoring in this respect. This responsibility has been so far carried out by the European Commission of Human Rights and the European Court of Human Rights.

Since the Convention entered into force in 1953 the number of contracting States has almost tripled and more countries will accede after becoming members of the Council of Europe. We are of the opinion that it has become urgently necessary to adapt the present control mechanism to this development in order to be able to maintain in the future effective international protection for human rights. The purpose of this reform is to enhance the efficiency of the means of protection, to shorten procedures and to maintain the present high quality of human rights protection.

To this end we have resolved to establish, as an integral part of the Convention, a single European Court of Human Rights to supersede the present controlling bodies.

We mandate the Committee of Ministers of the Council of Europe to finalise a draft protocol amending the European Convention for the Protection of Human Rights and Fundamental Freedoms, on which substantial progress has been made, with a view to adopting a text and opening it for signature at its ministerial meeting in May 1994. We will then ensure that this protocol is submitted for ratification at the earliest possible date.

APPENDIX II

National Minorities

We, Heads of State and Government of the member States of the Council of Europe, have agreed as follows, concerning the protection of national minorities:

The national minorities which the upheavals of history have established in Europe should be protected and respected so that they can contribute to stability and peace.

In this Europe which we wish to build, we must respond to this challenge: assuring the protection of the rights of persons belonging to national minorities within the rule of law, respecting the territorial integrity and the national sovereignty of States. On these conditions, these minorities will make a valuable contribution to the life of our societies.

The creation of a climate of tolerance and dialogue is necessary for the participation of all in political life. In this regard an important contribution should be made by regional and local authorities.

In their actions, States should ensure the respect of the principles which are fundamental to our common European tradition: equality before the law, non-discrimination, equal opportunity, freedom of association and assembly as well as to participate actively in public life.

States should create the conditions necessary for persons belonging to national minorities to develop their culture, while preserving their religion, traditions and customs. These persons must be able to use their language both in private and in public and should be able to use it, under certain conditions, in their relations with the public authorities.

We stress the importance which bilateral agreements between States, aimed at assuring the protection of the national minorities concerned, can have for stability and peace in Europe.

We confirm our determination to implement fully the commitments concerning the protection of national minorities contained in the Copenhagen and other documents of the CSCE.

We consider that the Council of Europe should apply itself to transforming, to the greatest possible extent, these political commitments into legal obligations.

Having regard to its fundamental vocation, the Council of Europe is particularly well placed to contribute to the settlement of problems of national minorities. In this connection, we intend to pursue the close co-operation engaged between the Council of Europe and the CSCE High Commissioner for National Minorities.

In consequence, we decide to instruct the Committee of Ministers:

- to draw up confidence-building measures aimed at increasing tolerance and understanding among peoples;

- to respond to requests for assistance for the negotiation and implementation of treaties on questions concerning national minorities as well as agreements on transfrontier co-operation;

- to draft with minimum delay a framework convention specifying the principles which contracting States commit themselves to respect, in order to assure the protection of national minorities. This instrument would also be open for signature by non-member States;

- to begin work on drafting a protocol complementing the European Convention on Human Rights in the cultural field by provisions guaranteeing individual rights, in particular for persons belonging to national minorities.

APPENDIX III

Declaration and Plan of Action on combating racism, xenophobia, antisemitism and intolerance

We, Heads of State and Government of the Council of Europe member States,

Convinced that the diversity of traditions and cultures has for centuries been one of Europe's riches and that the principle of tolerance is the guarantee of the maintenance in Europe of an open society respecting the cultural diversity to which we are attached;

Convinced that to bring about a democratic and pluralist society respecting the equal dignity of all human beings remains one of the prime objectives of European construction;

Alarmed by the present resurgence of racism, xenophobia and antisemitism, the development of a climate of intolerance, the increase in acts of violence, notably against migrants and people of immigrant origin, and the degrading treatment and discriminatory practices accompanying them;

Equally alarmed also by the development of aggressive nationalism and ethnocentrism which constitute new expressions of xenophobia;

Concerned at the deterioration of the economic situation, which threatens the cohesion of European societies by generating forms of exclusion likely to foster social tensions and manifestations of xenophobia;

Convinced that these manifestations of intolerance threaten democratic societies and their fundamental values and undermine the foundations of European construction;

Confirming the Declaration of 14 May 1981 of the Committee of Ministers in which the latter already solemnly condemned all forms of intolerance and the acts of violence that they engender;

Reaffirming the values of solidarity which must inspire all members of society in order to reduce marginalisation and social exclusion;

Convinced furthermore that Europe's future demands from individuals and from groups not only tolerance but also the will to act together, combining their diverse contributions,

- Condemn in the strongest possible terms racism in all its forms, xenophobia, antisemitism and intolerance and all forms of religious discrimination;

- Encourage member States to continue efforts already undertaken to eliminate these phenomena, and commit ourselves to strengthening national laws and international instruments and taking appropriate measures at national and European level;

- Undertake to combat all ideologies, policies and practices constituting an incitement to racial hatred, violence and discrimination, as well as any action or language likely to strengthen fears and tensions between groups from different racial, ethnic, national, religious or social backgrounds;

- Launch an urgent appeal to European peoples, groups and citizens, and young people in particular, that they resolutely engage in combating all forms of intolerance and that they actively participate in the construction of a European society based on common values, characterised by democracy, tolerance and solidarity.

To this end, we instruct the Committee of Ministers to develop and implement as soon as possible the following plan of action and mobilise the necessary financial resources.

PLAN OF ACTION

1. Launch a broad European Youth Campaign to mobilise the public in favour of a tolerant society based on the equal dignity of all its members and against manifestations of racism, xenophobia, antisemitism and intolerance.

This campaign, co-ordinated by the Council of Europe in co-operation with the European Youth Organisations will have a national and local dimension through the creation of national committees.

It will aim in particular at stimulating pilot projects involving all sections of society.

2. Invite member States to reinforce guarantees against all forms of discrimination based on race, national or ethnic origin or on religion, and to this end to:

- re-examine without delay their legislation and regulations with a view to eliminating provisions likely to generate discrimination based on any of these reasons or likely to sustain prejudice;

- assure effective implementation of legislation aimed at combating racism and discrimination;

- reinforce and implement preventive measures to combat racism, xenophobia, anti-semitism and intolerance, giving special attention to awareness-raising and confidence-building measures.

3. Establish a Committee of governmental Experts with a mandate to:

- review member States' legislation, policies and other measures to combat racism, xenophobia, anti-semitism and intolerance, and their effectiveness;

- propose further action at local, national and European level;

- formulate general policy recommendations to member States;

- study international legal instruments applicable in the matter with a view to their reinforcement where appropriate.

The Committee of Experts will report regularly to the Committee of Ministers, which will seek the opinions of the relevant Steering Committees.

Further modalities for the functioning of this new mechanism should be decided by the Committee of Ministers.

4. Reinforce mutual understanding and confidence between people through the Council of Europe's co-operation and assistance programmes. Work in this area would focus in particular on:

- studying the deep-seated causes of intolerance and considering remedies, notably by means of a seminar and support for research programmes:

- promoting education in the fields of human rights and respect for cultural diversity;

- strengthening programmes aimed at eliminating prejudice in the teaching of history by emphasising positive mutual influence between different countries, religions and ideas in the historical development of Europe;

- encouraging transfrontier co-operation between local authorities so as to boost confidence;

- intensifying co-operative work in the fields of intercommunity relations and equality of opportunities;

- developing policies to combat social exclusion and extreme poverty.

5. Request the media professions to report and comment on acts of racism and intolerance factually and responsibly, and to continue to develop professional codes of ethics which reflect these requirements.

In the execution of this Plan, the Council of Europe will take due account of the work of UNESCO in the field of tolerance, in particular preparations for a "Year of Tolerance" in 1995.

A first report on implementation of the Plan of Action will be submitted to the Committee of Ministers at its 94th Session in May 1994.

For the Republic of Austria

Pour la République d'Autriche

Franz Vranitzky

Federal Chancellor

Chancelier Fédéral

For the Kingdom of Belgium

Pour le Royaume de Belgique

Jean-Luc Dehaene

Prime Minister

Premier Ministre

For the Republic of Bulgaria

Pour la République de Bulgarie

Jeliu Jelev

President

Président

For the Republic of Cyprus

Pour la République de Chypre

Glafcos Clerides

President

Président

For the Czech Republic

Pour la République tchèque

Václav Havel

President

Président

For the Kingdom of Denmark

Pour le Royaume de Danemark

Poul Nyrup Rasmussen

Prime Minister

Premier Ministre

For the Republic of Estonia

Pour la République d'Estonie

Mart Laar

Prime Minister

Premier Ministre

For the Republic of Finland

Pour la République de Finlande

Mauno Koivisto

President

Président

For the French Republic

Pour la République française

François Mitterrand

President

Président

For the Federal Republic of Germany

Pour la République Fédérale d'Allemagne

Helmut Kohl

Federal Chancellor

Chancelier Fédéral

For the Hellenic Republic

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Secrétaire d'Etat aux Affaires étrangères

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David Oddsson

Prime Minister

Premier Ministre

For Ireland

Albert Reynolds T.D.

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Pour l'Irlande

Premier Ministre

For the Italian Republic

Carlo Azeglio Ciampi

Prime Minister

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Premier Ministre

For the Principality of Liechtenstein

Markus Büchel

Head of Government

Pour la Principauté de Liechtenstein

Chef de Gouvernement

For the Republic of Lithuania

Algirdas Mykolas Brazauskas

President

Pour la République de Lituanie

Président

For the Grand Duchy of Luxembourg

Pour le Grand-Duché de Luxembourg

Jacques Santer

Prime Minister

Premier Ministre

For Malta

Pour Malte

Edward Fenech-Adami

Prime Minister

Premier Ministre

For the Kingdom of the Netherlands

Pour le Royaume des Pays-Bas

Ruud Lubbers

Prime Minister

Premier Ministre

For the Kingdom of Norway

Pour le Royaume de Norvège

Gro Harlem Brundtland

Prime Minister

Premier Ministre

For the Republic of Poland

Pour la République de Pologne

Hanna Suchocka

Prime Minister

Premier Ministre

For the Portuguese Republic

Pour la République portugaise

Aníbal Cavaco Silva

Prime Minister

Premier Ministre

For Romania

Pour la Roumanie

Ion Iliescu

President

Président

For the Republic of San Marino

Pour la République de Saint-Marin

Gian Luigi Berti
Paride Andreoli

Captains Regent

Capitaines Régents

For the Slovak Republic

Pour la République Slovaque

Vladimír Mečiar

Head of Government

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Janez Drnovšek

Prime Minister

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For the Kingdom of Spain

Pour le Royaume d'Espagne

Felipe Gonzalez

President of Government

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Pour la Confédération suisse

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President of the Confederation

Président de la Confédération

For the Turkish Republic

Pour la République Turque

Tansu Çiller

Prime Minister

Premier Ministre

For the United Kingdom of Great Britain and Northern Ireland

Pour le Royaume-Uni de Grande-Bretagne et de l'Irlande du Nord

Lord Mackay of Clashfern

Lord Chancellor

Lord Chancellor

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Catherine Lalumière

The Secretary General

Le Secrétaire Général